UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,921	02/20/2002	Timothy J. Bloch	J267.12-0001	2203

164   7590   02/13/2006

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EXAMINER
FRANCIS, MARK P

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/081,921	BLOCH ET AL.
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed October 06, 2005.

2.   Per applicants' request, claims 1,3-5,8,11,13-14,16, and 18 have been amended

and claim 21 has been newly introduced.

Response to Amendments

3.   The objection to the drawings for containing several trademarks are withdrawn in

view of applicants' amendment to the specification.

The objection to the specification for the use of various trademarks are withdrawn

in view of applicants' amendment to the specification.

Claim Rejections - 35 USC § 112

4.   Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

On page 6, Claim 18 includes the limitations of claim 21, which is not a

previously defined claimed. Claims may incorporated the limitation of previously

referenced claims only,

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

6.   A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

7.   Claims 1-5,8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rice III. (U.S. Pub 2002/0174010)

Independent claims

With respect to claim 1, Rice discloses A system for deploying applications over a

distributed network to web-enabled devices for interacting with a server (e.g. See Fig. 6

and related text), the server being in communication with the distributed network and

having text files containing application logic, the system comprising: an application

assembler for storing on and running on the Internet-enabled device, the application

assembler for downloading one or more text files from the server(Col 3: 0015,0016,

0083,"...continues to be downloaded..."),

retrieving program logic from each of the downloaded text files, and assembling the

retrieved program logic into a functioning application; (Col 16:0148, "...download-and-

run program...")

and running the functioning application on the Internet-enabled device regardless of

whether the Internet-enabled device remains connected to the server. (Col 16:0148,

"...as a web browser plug-in...")

With respect to claim 8, Rice discloses A system for deploying an application over a

network to Internet-enabled devices(Col 7:0096, "...web- or Internet-enabled..."), the

network having a server containing one or more application logic files (e.g. See Fig. 6

and related text), the application logic files containing embedded application logic

relating to a computer program(Col 10:0111, "...have several embedded "macros"

which would be..."), the system comprising:

a program assembler for storing on and running on the Internet-enabled device, the

program assembler for downloading application logic files, retrieving embedded

application logic from the application logic files, (Col 3: 0015,0016, 0083,"...continues to

be downloaded...", Col 9:0109, "...may contain embedded information...")

and building the computer program from the retrieved embedded application logic, and

running the computer program on the Internet-enabled device. (Col 16:0148,

"...download-and-run program...", Col 9:0107, "...information embedded...")

With respect to claim 16, Rice discloses A method for deploying a computer program

over a network, the method comprising:

Storing and running a software module on a client device of a user; (Col 16:0148, "...as

a web browser plug-in...",Col 8:0100, "...may be installed...")

Providing to the client device text files containing embedded application program logic

for the software module, the text files containing embedded program logic for the

computer program to the installed software module upon request; (Col 3: 0015,0016,

0083,"...continues to be downloaded...", Col 7:0097-0098, "...remote user's data

file..."),

Running the computer program assembled from the embedded program logic on the

client device. (Col 16:0148, "...download-and-run program...")

and enabling user interaction with the computer program running on the client device

assembled from the embedded program logic. (Col 8:0100-0102,"...After installation of

the software...")

Dependent claims

With respect to claim 2, the rejection of claim 1 is incorporated and further, Rice

discloses wherein the application assembler is operating system dependent. (Col

15:0143, "...running various operating systems...")

With respect to claims 3 and 12, the rejection of claims 1 and 8 are incorporated

respectively and further, Rice discloses wherein the embedded application logic is

operating system independent. (Col 15:0145, "...the platform, operating system, or...")

With respect to claims 4 and 13, the rejection of claims 1and 8 are incorporated

respectively and further, Rice discloses wherein the computer program provides a

graphical user interface for receiving and interpreting user inputs to the web-enabled

device. (Col 15:0143, "...displays the GUI for the application...", Col 11:0121, "...depicts

a GUI screen...")

With respect to claim 5, the rejection of claim 4 is incorporated and further, Rice

discloses wherein the functioning application processes the user inputs and interacts

with a remote database for performing user instructions. (Col 13:0128, "...the database

requires...", Col 22:0183,"...Tracking Database..."Col 23:0184, "...Rights Database...")

With respect to claim 9, the rejection of claim 8 is incorporated and further, Rice

discloses a plugin for installation in a web-browser for running the program assembler

according to instructions embedded in an Internet web page. (Col 16:0148, "...as a web

browser plug-in...",Col 8:0100, "...may be installed...")

With respect to claim 10, the rejection of claim 8 is incorporated and further, Rice

discloses wherein the program assembler is operating system dependent, (Col 15:0143,

"...running various operating systems...")

 the program assembler for assembling multiple computer programs based on the

embedded application logic. (Col 9:0107, "...information embedded...", Col 9:0109,

"...may contain embedded information...")

With respect to claim 11, the rejection of claim 8 is incorporated and further, Rice

discloses wherein the program assembler is operating system dependent, (Col 15:0143,

"...running various operating systems...",Col 9: 0109-0110, "...server-supported

AppLink...")

and wherein at least two different program assemblers for at least two different

operating systems on two different web-enabled devices use the embedded application

logic from the text files for building a computer program having the same functionality on

both web-enabled devices. (Col 7:0095, "...for various types of software

applications...",Col 9: 0109-0110, "...by the server middleware...")

With respect to claim 14, the rejection of claim 8 is incorporated and further, Rice

discloses wherein the web-enabled devices are selected from a group consisting of

computers, workstations, personal digital assistants, wireless personal digital assistants,

and web-enabled phones. (Col 5:0083, "...desktop, laptop, hand-held...", Col 7:0096,

"...personal digital assistants...")

With respect to claims 15 and 20, the rejection of claims 8 and 16 are incorporated

respectively and further, Rice discloses wherein the application logic files are

compressed. (Col 9: 0109-0110, "...as a particular data file to open...")

With respect to claim 17, the rejection of claim 16 is incorporated and further, Rice

discloses wherein the step of hosting comprises: storing a compressed file in a standard

compression format on a server in communication with a network, the compressed file

for automatic download and installation on the client device through a web browser. (Col

8: 0100, "...Upon download of the application code...", Col 16: 0148, "...download-and

run program...")

With respect to claim 18, the rejection of claim 16 is incorporated and further, Rice

discloses wherein the step of launching the installed software module comprises:

embedding a launch instruction in a starter web page on the network. (Col 8:

0100,0107, "...prompting to a user to begin...")

With respect to claim 19, the rejection of claim 16 is incorporated and further, Rice

discloses wherein the step of providing text files comprises: storing text files on a server

in communication with a network, the text files containing embedded program logic. .

(Col 9:0107, "...information embedded...", Col 9:0109, "...may contain embedded

information...")

With respect to claim 21, the rejection of claim 16 is incorporated and further, Rice

discloses hosting a web page containing a software module and a plugin on for

installation on a client device of a user;(Col 16:0148, "...as a web browser plug-in...")

and launching the installed software module using the installed plugin based on

instructions embedded within the web page.(Col 9:0109-0110, "...the hyperlink may

contain embedded information...")

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rice in view of Lloyd. (U.S. Patent 6,779,178)

The rejection of claim 1 is incorporated and further,

Rice does not disclose a parser for extracting program logic from text files stored on the

server; a script engine for interpreting scripts contained in the extracted program logic,

and for providing methods to invoke script functions; and component handlers for

rendering visual components and for processing operations specific to the visual

components.

Lloyd discloses a script engine for interpreting scripts contained in the extracted

program logic, and for providing methods to invoke script functions;(Col 9:27-67,

"...Common Gateway Interface (CGI) scripts...")

and component handlers for rendering visual components and for processing operations

specific to the visual components a parser for extracting program logic from text files

stored on the server(Col 17:19-67, "...the user may select an image,...")Col 27:44-67,

"...script parses...") in an analogous system for the purpose of providing for processing

an image with attributes.(Col 3:27-36)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the invention to include a parser for extracting program logic to Rice's invention.

The modification would have been obvious because one of ordinary skill in the art would

have been motivated to provide a simple way to connect various types of intelligent

devices to allow for communication and sharing of resources while avoiding the

interoperability and complex configuration problems existing in conventional

networks.(Lloyd: Col 2, lines 1-5)

Regarding claim 7, Lloyd discloses wherein the application assembler further

comprises: a layout handler for analyzing positioning properties of a group of

components and translating them into component dimensions and coordinates for

display on each web enabled device.(Col 17:19-67,"...including alpha component...")

Response to Arguments

10.   Applicant's arguments filed October 06, 2005 have been fully considered but they

are not persuasive. Following is the Examiner's response.

With respect to claims 1,8 and 16, Applicant essentially argues that Rice III does not

disclose distributing applications to client (or Internet-enabled) devices.

In response, the examiner differs, notes Col 7:0096-0087 and Col 9:0107-0109, here

Rice teaches that a thin client executable code which allows for viewing and editing of

the data file in its native format can be automatically downloaded to the user or client for

viewing purposes. Thus, Rice does disclose distributing applications to client (or

Internet-enabled) devices.

Also, Applicant argues that Rice III does not allow an application to run independent of

the server.

In response, the Examiner disagrees notes Col 16:0148-0149, it is here that Rice

discloses that the recipient's thin-client can be made accessible to the recipient in

several ways for example in a Java Applet or other download-and-run program. Rice

also discloses that the AppLink executable may be implemented over the operating

system kernel as a component of the operating system. Therefore, Rice does teach

allowing an application to run independent of the server.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

12.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

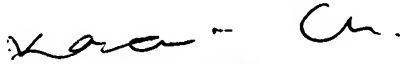extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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